

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 5**

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**Introduced by Assembly Member Nazarian**

December 1, 2014

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An act to add Article 8.5 (commencing with Section 1567.9) to Chapter 3 of Division 2 of the Health and Safety Code, relating to foster youth.

### LEGISLATIVE COUNSEL'S DIGEST

AB 5, as amended, Nazarian. Foster youth: transition from high school to postsecondary education.

Existing law provides for the formal out-of-home placement of young persons into alternative residential settings, which is known as foster care. Existing law establishes a system of elementary and secondary education in this state, including public and private elementary and high schools, as well as a system of postsecondary education in this state, including the University of California, the California State University, the California Community Colleges, and independent institutions of higher education.

~~This bill would express the intent of the Legislature to enact legislation that would facilitate the transition of foster youth from high school to postsecondary education.~~

*Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. A violation of this act and regulations adopted under the act is a misdemeanor.*

*This bill would require the department to establish a process to authorize educationally based residential programs. This bill would*

*require that the programs support and strive to achieve home-based family care and permanency. The bill would specify that the educationally based residential programs serve certain foster children, as specified. This bill would also require the department to collect and report to the Legislature information about the benefits of the programs, as specified. This bill would require the department to adopt regulations to implement these provisions, thereby changing the definition of an existing crime and creating a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. The Legislature finds and declares the following:*
- 2     *(a) Only 50 percent of foster youth graduate from high school.*
- 3     *(b) Only 3 percent of former foster youth graduate from a*
- 4     *four-year college, even though more than 70 percent express a*
- 5     *desire to earn a college degree.*
- 6     *(c) In the County of Los Angeles, 24 percent of former foster*
- 7     *youth will experience homelessness within two years of leaving*
- 8     *the foster care system.*
- 9     *(d) Approximately 60 percent of young women in foster care*
- 10    *will become pregnant by 20 years of age.*
- 11    *(e) Within two years of leaving the foster care system, 64 percent*
- 12    *of young men and 30 percent of young women are incarcerated.*
- 13    *(f) With approximately 5,200 youth aging out of the foster care*
- 14    *system every year in California, the cost to state and local*
- 15    *governments of homelessness, incarceration, and indigence of*
- 16    *former foster youth is \$165 million per year.*
- 17    *(g) Organizations are prepared to offer innovative programs*
- 18    *to foster youth in each of the four years of their high school*
- 19    *education to provide the necessary social, emotional, and academic*
- 20    *preparation necessary to gain acceptance and flourish in college*
- 21    *and successfully transition into adulthood.*

1     *SEC. 2. It is the intent of the Legislature to facilitate the*  
2     *transition of foster youth from high school to postsecondary*  
3     *education by creating residential programs that are educationally*  
4     *based and also strive to achieve home-based family care and*  
5     *permanency.*

6     *SEC. 3. Article 8.5 (commencing with Section 1567.9) is added*  
7     *to Chapter 3 of Division 2 of the Health and Safety Code, to read:*

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9         *Article 8.5. Educationally Based Residential Programs*

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11         *1567.9. (a) The State Department of Social Services shall*  
12         *establish a process to authorize educationally based residential*  
13         *programs.*

14         *(b) The educationally based residential programs shall support*  
15         *and strive to achieve home-based family care and permanency.*

16         *(c) The educationally based residential programs shall serve*  
17         *children in foster care who meet all of the following requirements:*

18             *(1) Currently attending high school.*

19             *(2) Have attained 14 years of age, but not older than 18 years*  
20             *of age.*

21             *(3) Have been determined by the county to have a very low*  
22             *possibility of reunifying with their parents or guardians or*  
23             *achieving a permanent placement.*

24         *(d) On or before January 1, 2017, the department shall adopt*  
25         *regulations to implement this section.*

26         *(e) (1) By January 1, 2020, the department shall collect and*  
27         *report to the Legislature information about the benefits of these*  
28         *programs, including the rates of high school graduation, college*  
29         *admission, and college graduation, and any increased rates of*  
30         *family reunification or adoption.*

31             *(2) The requirement for submitting a report imposed under this*  
32             *subdivision is inoperative on January 1, 2024, pursuant to Section*  
33             *10231.5 of the Government Code.*

34             *(3) A report to be submitted pursuant to this subdivision shall*  
35             *be submitted in compliance with Section 9795 of the Government*  
36             *Code.*

37     *SEC. 4. No reimbursement is required by this act pursuant to*  
38     *Section 6 of Article XIII B of the California Constitution because*  
39     *the only costs that may be incurred by a local agency or school*  
40     *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*  
2 *for a crime or infraction, within the meaning of Section 17556 of*  
3 *the Government Code, or changes the definition of a crime within*  
4 *the meaning of Section 6 of Article XIII B of the California*  
5 *Constitution.*

6 ~~SECTION 1. It is the intent of the Legislature to enact~~  
7 ~~legislation that would facilitate the transition of foster youth from~~  
8 ~~high school to postsecondary education.~~